Implementation of BPP would also devastate the funding for several inmate programs. Currently, all revenue sharings from the telephone carriers are deposited into the inmate commissary account. The commissary account is then utilized for purchases of materials and equipment solely for inmate use. In addition to game boards, athletic equipment, law library resources and supplies, revenues are also used to fund non-mandated indigent services. The only individuals benefiting from the revenue sharing are the inmates themselves. The account is strictly maintained and audited regularly. Many of these programs would have to be discontinued without replacement funding. In a time of budgetary restraints and cut-backs, replacement funds are unlikely.

The telephone management system and revenue sharing are products of an intricate business relationship between the Cobb County Sheriff's Office, Southern Bell, and AT&T. We have established a mutually beneficial arrangement which accomplishes all established requirements. They have provided us with services and equipment which would have not been otherwise accessible to our agency.

I can understand where an arrangement such as ours, or a lack thereof, can provide for multiple forms of abuse or misuse of funds. I can also understand the objectives of the FCC. However, I believe that these objectives could be just as well and easily achieved, while preserving the benefits of a internally managed system, by merely establishing requirements for a system, guidelines for management, and service fee limitations.

Although you have been placed in a position that requires action, I trust that the Commission will consider all pertinent factors and respond accordingly. Thank you for your time and consideration in this matter.

Respectfully submitted;

Bill Hutson

Sheriff, Cobb County

Cobb County Adult Detention Center

Huten

185 Roswell Street

Marietta, Georgia 30090-9650

* Coo

Office Of

SHERIFF OF FORD COUNTY

Ralph E. Henson, Sheriff

P.O. Box 112 Paxton, Illinois 60957-0112 Telephone: (217) 379-2324 / 2325

Aug 8 3 14



Mr. Reed E. Hunt Chairman Federal Communications Commission 1919 M Street NW Washington, D.C. 20554 08-04-94

FCENED

AUG 9 1994

Re: CC Docket No 92-77 Opposition to Billed Party Preference.

Dear Chairman Hunt,

The ability of inmates to make telephone calls at other than a designated time is extremely important to both them and the institution. It would take at least one additional officer taking inmates back and forth to make their calls and they might not be able to make the connection. This would result in additional handling of the inmate. Being able to make a call greatly reduces the tensions, anxieties and frustrations of inmates. This results in a facility having far fewer behavior problems and thus results in less staffing requirements.

The ability to "block" numbers that an inmate has access to is also extremely important. Court ordered "blocks" and individuals requesting no contact with certain inmates is an absolute must.

The creativity of certain inmates who are able to "beat" the system when it is not totally secure would also result in additional time having to be spent by the facility to answer and try to correct complaints.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriff's do not take responsibility for protecting inmate families from abusive rates. We are very concerned that the FCC's solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

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In closing BPP would take away our ability to employ very important security, operational and administrative measures that we have to have in place. BPP would require additional personnel and those dollars are not available.

We feel these decisions are ours to make and which we have a public responsibility to make.

Thank you,

Respectfully submitted,

Ralph E. Henson

Sheriff

Ford County, Illinois

235 N. American

Paxton, IL 60957-0112

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July 20, 1994

The Honorable Tom Harkin United States Senate Hart Bldg., Room 531 Washington, D. C. 20510

Re: CC Docket #92-77

PECEIVED

AUG 9 1994

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SECRETARY

Dear Senator:

I am writing to voice my concerns about the proposed Billed Party Preference regulation. The correctional facility inmate phone industry would be severely jeopardized by BPP, affecting inmates, their families and the criminal justice system as a whole. For this reason, we are asking that inmate calls be exempt from the proposed BPP regulation.

Over the past ten years, administrators of correctional facilities have been able to put into place a very effective system for allowing inmate phone calls. The right to choose our phone service provider has been key to our success. This service has always been delivered to us at very reasonable rates. What's more, inmate phone commissions have been a significant source of revenue for our facility and have helped us improve it dramatically. We use this revenue to fund various programs including: law enforcement education: inmate health, education and recreation; jail personnel safety; drug prevention and other community programs: family visitation etc.

Here are a few of my biggest concerns about Billed Party Preference:

- It strips correctional facility administrators of the right to choose inmate phone providers.
- Technology for BPP would reportedly cost upwards of \$1.5 billion, an expense that would have to be passed along to the consumer.
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For the above reasons, and countless others, we believe that THE COSTS OF BILLED PARTY PREFERENCE FOR INMATE CALLS FAR OUTWEIGH THE BENEFITS. If BPP does become regulation, we urge you to make inmate calls exempt. Thank you for your consideration of my views.

Sincerely.

Capt. William K. McClure
Jail Administrator
Sac County Jail

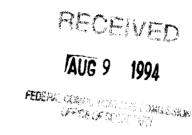
Sac City, Iowa

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The Honorable Reed Hundt, Chairman Federal Communications Commission 1919 M Street, N.W. Washington, D. C. 20554

Re: CC Docket #92-77

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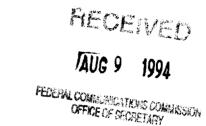
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1 / Co. Shriff's Dal + 1 / 6 - 1 / 24 2724 July 20, 1994

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Sincerely,

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James R. Fulcher 401 Walnut St.

Muscatine, Iowa 52761

Jail Administrator 319-263-6961



AUG 9 1994

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Sincerely

Sheriff, DeKalb County, MO

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July 20, 1994

The Honorable Reed Hundt, Chairman Federal Communications Commission 1919 M Street, N.W. Washington, D. C. 20554

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ROBERT D. REED
PLATE COUNTY Sheriff Depor

Aug 8 3 13 PM '94

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AUG 9 1994

PEDERAL CERTAINANCATIONS COMMISSION DIFFICE OF SECRETARY

The Honorable Reed Hundt, Chairman Federal Communications Commission 1919 M Street, N.W. Washington, D. C. 20554

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Dave Williams Sherff, Buller Ca Kansas

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The Honorable Reed Hundt, Chairman Federal Communications Commission 1919 M Street, N.W. Washington, D. C. 20554

AUG 9 1994

CHACLER AND THEY

FEDERAL GODALANDATENS COMMISSION

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Sincerely.

lemen Barnes wortord Corrections ity of Jennings, Mo

No. of Copies rec'd

Robert L. Crowder

Sheriff



Office of the Sheriff

Martin County, Florida

(407) 220-7000

DOMETIC OR THE WAY

FAX (407) 220-7015

July 29, 1994



The Honorable Reed E. Hundt, Chairman Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554

RE: CC DOCKET NO. 92-77 OPPOSITION TO BILLED PARTY PREFERENCE

Dear Chairman Hundt:

We are opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastate. The resulting increase will make it more difficult for our staff to manage inmates.

No. of Copies rec'd_____ List ABCDE





RE: CC DOCKET NO. 92-77 July 29, 1994 page 2 of 2

We urge you to not adopt regulations that interfere with our administrative and security decisions.

Sincerely, Robert L. Crowder, Sheriff

by:

Major Bobert B. Seaman Director of Corrections

RBS/kah

805 12TH STREET MODESTO, CALIFORNIA 95354 (209) 525-6439

STANISLAUS COUNTY

LES WEIDMAN

SHERIFF - CORONER
PUBLIC ADMINISTRATOR

July 26, 1994

The Honorable Reed E. Hundt, Chairman Federal Communications Commission 1919 M Street, NW Washington, D.C. 20554

PERSONAL COMPANY CARROLLS COMPANY OF

re: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Chairman Hundt:

We are opposed to the application of Billed Party Preference (BPP) at inmate facilities. Inmate telephone use is not and cannot be construed in the same light as public use. We, as administrators of the custodial facilities, must balance the needs of inmates and the protection of the public as it relates to telephone usage by inmates. Inmates not only abuse the telephone service through fraud but also commit crimes by the use of the telephones in the custodial facilities as well as their use to intimidate and threaten their victims and those who are witnesses against them. With all of this in mind, it is imperative that each facility administrator have the ability to contract with a telephone provider who will handle the out-going calls in a manner that is consistent with our concerns. There is a need for sophisticated equipment to detect the fraud and other abuse of the telephone network. We need to have the ability to give people notice that they are accepting a call from a custodial facility and we also need to have the ability to block calls originating from the jail facility to certain private numbers. In our estimation, BPP will not allow us to do any of the aforementioned security measures.

The telephone equipment that needs to installed in a custodial facility must be of a very substantial nature and is much more expensive than that found in the normal public installation. Without the ability to contract with inmate telephone companies whose specialty is the serving of custodial facilities, we might not be able to provide inmates with telephone access. This would have a devastating effect on the morale of inmates within our system. We also utilize the revenue sources from the inmate telephone companies to provide other activities and resources for the inmate during their stay. These funds are also used to assist in counselling services to families and educational services to the inmates. We feel that BPP will virtually eliminate this source of revenue.

We do appreciate the concerns of the rates that are being charged with the inmates' families and we, in our contracts, require that the tariff rate for the local carrier be adhered to and we would recommend that any concerns that the FCC might have regarding abusive rates could be handled by the adoption of rate

CG DOCKET NO. 92-77 PAGE 2

ceilings on inmate telephone calls rather than the utilization of the Billed Party Preference for inmate facilities.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facilities. Ultimately reducing inmate phone availability which in turn decreases the efficiency of our staff. We urge you not to adopt regulations that interfere with our administrative and security decisions, decisions that are clearly within our discretion and which we have a public responsibility to make.

Sincerely,

LES WEIDMAN, Sheriff-Coroner

Stanislaus County

LW:RB:bb

cc:

The Honorable James H. Quello The Honorable Rachelle B. Chong The Honorable Andrew C. Barrett The Honorable Susan Ness Senator Diane Feinstein Representative Gary Condit



THE COMMONWEALTH OF MASSACHUSETTS

SHERIFF OF HAMPDEN COUNTY 627 RANDALL ROAD LUDLOW, MA 01056

White has been a different to the control of the co

July 27, 1994

The Honorable Reed E. Hundt, Chairman Federal Communications Commission 1919 M. Street, NW Washington, D.C. 29554

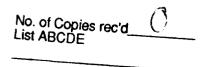
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We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.



Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

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Respectfully submitted,

Michael J. Ashe, Jr.

muchael Muche.

Sheriff of Hampden County

Hampden County Sheriff's Department

and Correctional Center

627 Randall Road

Ludlow, Massachusetts 01056



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

AUG - 5 1994

P.O. Box 41100 • Olympia, Washington 98504-1100 • (206) 753-1573 FAX Number (206) 586-3676 SCAN 321-3676

FILERAL COMPUNICATION CONTROL CANAL OFFICE OF SECULIARY

July 28, 1994

The Honorable Reed E. Hundt, Chairman Federal Communications Commission 1919 M Street, N.W. Washington D.C. 20554

RE: Billed Party Preference: CC Docket 92-77

Dear Chairman Hundt:

As previously stated in a letter to Chairman Sikes, dated July 28, 1992, I request the Federal Communications Commission specifically exempt inmate telephone services from Billed Party Preference, regardless of what other decisions may be decided in this rulemaking.

There is significant Federal precedent to support excluding inmate telephone services from Billed Party Preference. It was specifically excluded from the Telephone Operator Consumer Services Improvement Act of 1990 (TOCSIA) passed by Congress.

Telephone services in the correctional environment are unique in that institutions must be able to manage inmate telephone services in order to maintain security, prevent criminal activity such as telephone harassment, fraud, and abuse of the telephone system in providing security and safety to staff, inmates, and the public. I respectfully request the FCC continue to recognize the difference.

In addition, the loss of commissions for the Inmate Welfare Fund which are used only for the inmates, would severely curtail the level of services currently being provided to them.



The Honorable Reed E. Hundt Page 2 July 28, 1994

Please refer to the enclosed comments regarding this matter.

Sincerely,

Margaret Vinheral

Margaret Vonheeder, Director Division of Management & Budget

Enclosure

cc: The Honorable James H. Quello
The Honorable Andrew C. Barrett

The Honorable Rachelle B. Chong

The Honorable Susan Ness

TAUG - 5 1994

Before the

FEDERAL COMPUNISATIONS ASSESSED OF SECRETARY

FEDERAL COMMUNICATIONS COMMISSION Washington D.C. 20554

In the Matter of)		
)	CC Docket No.	92-77
Billed Party Preference)		.*
For 0=InterLATA Calls)		

COMMENTS OF THE

DEPARTMENT OF CORRECTIONS, STATE OF WASHINGTON

Comes now, the Department of Corrections ("DOC"), State of Washington by its Director, Division of Management and Budget, Margaret Vonheeder, and respectfully submits these comments in response to the Further Notice of Proposed Rulemaking issued by the Federal Communications Commission ("Commission") in the above captioned rulemaking matter.

1. The Department of Corrections is a statutory agency of the state of Washington, existing pursuant to the Revised Code of Washington ("RCW") 72.09 and having charge of the state correctional institutions (prisons, pre-Release and work training release facilities) and presently having custody of approximately 10,600 incarcerated felons.

- 2. The Department of Corrections has an interest in this rulemaking proceeding because of its potential impact upon the inmate collect call only (0+) telephone services operated at various DOC institutions by increasing the possibility for criminal activity committed and abusive calls made via telephone, the inability to fund the fraud control technology now being supplied, and the hazards of increased tensions, frustrations and violence within the facilities as a result of not having the resources now being supplied by the contractor.
- 3. The Department of Corrections competetively bid a contract to have telephone companies/aggregators supply collect call only (0+) telephone services for inmate use. At present, DOC's contractor provides approximately 940 telephone sets, wire/cable, monitoring and recording equipment, and telephone booths when required for thirteen (13) institutions, two (2) pre-release facilities and fourteen (14) work/training release facilities. The contractor cannot charge rates higher than the standard of U.S. West and ATT with no surcharge to the called party or DOC.
- 4. Inmates cannot originate sent-paid calls, nor can they receive telephone calls. State law (RCW 9.73.095 (2)) states that ("All personal calls made by inmates shall be collect calls only. The calls will be "operator announcement" type calls. The operator shall notify the receiver of the call that the call is coming from a prison inmate, and that it will be recorded and may be monitored"). Operators are trained to follow DOC procedures including the "operator announcement" as mandated by law. The equipment utilized by the vendor codes the inmate telephone numbers so the operator knows the call is from an inmate before responding to the call.

- 5. The Department of Corrections has a legitimate concern for maintaining the safety and security of its institutions, the staff, inmates and the general public.
- 6. In spite of the most careful of precautions, some inmates perpetuate criminal activity from within the institutions with one of the most prevalent criminal activities being fraud committed via telephone. The needs of the institutions are unique in that the ability to control the criminal activity of inmates is of the utmost importance.
- 7. The Department of Corrections believes that the Commission must make a distinction between public access pay telephones and controlled access ("0+") inmate telephone service. A controlled access telephone would be a telephone which is located in an area where the general public does not have access, such as a prison or correctional institution.
- 8. There is significant Federal precedent to support excluding telephone service from Billed Party Preference. Inmate telephone services were specifically excluded from The Telephone Operator Consumer Services Improvement Act of 1990 (TOCSIA) passed by Congress requiring that all payphones allow callers to be able to reach the long distance carrier of their choice by dialing the carriers access code. The Act also allows the Commission enforcement action against unjust or unreasonable rates.

9. The Commission should and must create an exemption from requiring "equal access" by controlled access inmate telephone services located in correctional institutions. Such an exemption is necessary for the safety and security of institutions, the staff, the inmates, and the public at large.

The Department of Corrections respectfully requests the Federal Communications Commission to give careful and faithful consideration to the comments contained herein, and to enact rules in accordance therewith.

Respectfully Submitted,

Marjan Vakerai -

Margaret Vonheeder, Director Division of Management and Budget Department of Corrections P.O. Box 11110 Olympia, Washington 98504-1110

DOUGLE DOWN COM

TO:

Sheriffs, Jail Administrators and Corrections Officials

FROM:

Vincent Townsend

Aug 8 3 14 PM '94

APCC Inmate Phone Service Providers Task Force

1 (800) 729-8355

DATE:

July 21, 1994

SUBJECT:

Letter Opposing Billed Party Preference

AUG 9 1994

FEDERAL COMMUNICATIONS CONTINUES OF

We have been very encouraged by the comments and letters filed with the FCC opposing Billed Party Preference ("BPP") by Sheriffs, Jail Administrators and Correction Officials from across the country. To date we have received comments from organizations in 26 states. These comments have done a very excellent job in articulating the numerous concerns that BPP raises for jails and prisons.

Our only concern now is that <u>we need your letter</u> on this very important issue. The only way to convince the FCC not to apply BPP to inmate phones is to make them aware of the large number of Sheriffs, Jail Administrators and Corrections Officials that are convinced BPP will be a disaster for inmate phones.

Please compose your own letter or use the attached sample letter and add your own examples. Your immediate action on this issue is extremely important. All letters must be received by the FCC by Monday, August 1, 1994.

Your letters should be addressed to the Chairman of the FCC as follows:

The Honorable Reed E. Hundt Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554

Re: Billed Party Preference; CC Docket No. 92-77

Don't forget to send a copy of your letter to the other four commissioners at the same address:

The Honorable James H. Quello The Honorable Andrew C. Barrett

The Honorable Rachelle B. Chong

The Honorable Susan Ness

You should also send copies of your letters to your Representatives and Senators asking them to write the FCC. Please send us a copy of your letter: APCC Inmate Phone Service Providers Task Force, P.O. Box 8179, Greensboro, N.C. 27419.

No. of Copies rec'd List ABCDE

August 1, 1994

The Honorable Reed E. Hundt, Chairman Federal Communications Commission 1919 M Street, NW Washington, D.C. 20554

Re: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Chairman Hundt:

We are opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. We urge you to not adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,

Name/Title

Name of Correctional Facility

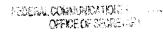
Address

The Honorable Reed Hundt, Chairman Federal Communications Commission 1919 M Street, N.W. Washington, D. C. 20554

Re: CC Docket #92-77 Dear Chairman Hundt:



AUG 9, 1994



I am writing to voice my concerns about the proposed Billed Party Preference regulation. The correctional facility inmate phone industry would be severely jeopardized by BPP, affecting inmates, their families and the criminal justice system as a whole. For this reason, we are asking that inmate calls be exempt from the proposed BPP regulation.

Over the past ten years, administrators of correctional facilities have been able to put into place a very effective system for allowing inmate phone calls. The right to choose our phone service provider has been key to our success. This service has always been delivered to us at very reasonable rates. What's more. inmate phone commissions have been a significant source of revenue for our facility and have helped us improve it dramatically. We use this revenue to fund various programs including: law enforcement education: ininate health, education and recreation; jail personnel safety; drug prevention and other community programs: family visitation etc.

Here are a few of my biggest concerns about Billed Party Preference:

- It strips correctional facility administrators of the right to choose inmate phone providers.
- Technology for BPP would reportedly cost upwards of \$1.5 billion, an expense that would have to be passed along to the consumer.
- Without the authority to process calls, inmate phone providers would no longer have the revenue to provide the sophisticated phone systems used in prisons. The end result: fewer phones with fewer security features. Facilities would have to revert to the old ways of supervising each and every inmate call.
- The average length of stay in jail would increase because inmates would not have the phone privileges required to make arrangements for obtaining bond. This costs everyone!
- Under BPP, correctional facilities would no longer have control over inmate calls, which means no call tracking or blocking. Inmates could conceivably harass judges, witnesses, jury members or even the victims of their crimes.
- Without call control, facilities would be unable to control fraud problems currently handled by inmate phone providers.

For the above reasons, and countless others, we believe that THE COSTS OF BILLED PARTY PREFERENCE FOR INMATE CALLS FAR OUTWEIGH THE BENEFITS. If BPP does become regulation, we urge you to make inmate calls exempt. Thank you for your consideration of my views.

Sheriff Tom Thomas

No. of Copies rec'd_ List ABCDE